

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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MARY TARDIF,

Plaintiff,

-v-

CITY OF NEW YORK,

Defendant.

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KIMBA M. WOOD, United States District Judge:

Plaintiff raised objections to Defendant's attempt to introduce several pages of a medical record resulting from Plaintiff's January 5, 2021 visit to NYU Langone Health, included in Plaintiff's Exhibit 42. These objections are overruled.

Plaintiff contends that the medical record must be introduced, if at all, pursuant to Rule 702 of the Federal Rules of Evidence, because the author of that record, Dr. Alexander K. Allen, is "acting" as an expert. This is not so. Medical records are regularly admitted as records of a regularly conducted activity pursuant to Rule 803(6) of the Federal Rules of Evidence, without regard to the rules applicable to expert reports. *See, e.g., M.C. v. County of Westchester*, No. 16-CV-3013, 2022 WL 1124920, at \*4 (S.D.N.Y. Apr. 13, 2022) (Román, J.). This record has sufficient indicia of trustworthiness to be considered reliable. *See Potamkin Cadillac Corp. v. B.R.I. Coverage Corp.*, 38 F.3d 627, 632 (2d Cir. 1994).

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13-CV-4056 (KMW)

**ORDER**

Plaintiff's hearsay objection to the statements referenced in the medical record of other physicians and of Ms. Tardif is overruled. These underlying statements are admissible as statements made for medical diagnosis or treatment or as statements by an opposing party.

SO ORDERED.

Dated: New York, New York  
June 23, 2022

/s/ Kimba M. Wood  
KIMBA M. WOOD  
United States District Judge